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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,798	01/12/2001	Marco Scibora	13686-106	3374

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,798

Applicant(s)

SCIBORA, MARCO

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-31 remain for further examination.

The New Grounds of Rejection

2. Applicant's arguments with respect to claims 1-31 filed on October 17, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103(a)

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dye et al (U.S. Patent No. 6,208,273) in view of Compton et al (U.S. Patent No. 6,115,035).

5. As to claim 1, Dye et al teach a method for compressing digital content from a source, using a compression scheme selected from a group of available compression schemes, storing the compressed content, and retrieving the compressed content (see abstract; and figures 20 and 22-23), comprising the steps of: at a remote location, reading the source and prompting a user for tracks to be compressed, the user then identifying selected tracks; prompting a user for a compression scheme to be used to compress the selected tracks, the user then identifying a selected compression scheme from a group of possible compression schemes; compressing the selected tracks using the selected compression scheme; and storing each selected track in a digital content database (figures 20 and 22; column 35 line 15 to column 36 line 10; and column 42 55 to column 44 line 38); and retrieving tracks from the digital content database (figures 20 and 23; column 36 lines 43-58; and column 44 line 39 to column 45 line 16).

However, Dye et al do not teach the steps of: prompting a user for and validating a user name and password; transmitting each selected track after compression through a communications link to a central location; storing each selected track in a digital content database at a central location; and at a remote location, retrieving tracks from the digital content database through a communications link to the central location.

Compton et al teach the steps of: prompting a user for and validating a user name and password (column 3 lines 40-46; and column 6 line 65 to column 7 line 15); transmitting each selected track after compression through a communications link to a central location; storing each selected track in a digital content database at a central location; and at a remote location, retrieving tracks from the digital content database

through a communications link to the central location (figures 1-3; and column 3 line 10 to column 5 line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Compton et al as stated above with the method of Dye et al for compressing digital content from a source, storing the compressed content, and retrieving the compressed content because it would have increased the security of digital contents by preventing from the un-authorized access and also by storing them remotely,

6. As to claim 2, Compton et al teach the step of identifying the source and validating the source's identity against an authorization database at the central location (column 3 line 33 to column 4 line 42; and column 6 line 65 to column 7 line 43).

7. As to claim 3, Compton et al teach the step of prompting the user for the quality of compression to be used with the selected compression scheme (column 3 lines 45-65, Compton discloses that a GUI presents the user with a prompt for choosing the compression method).

8. As to claims 4-8, Dye et al teach that the digital content is music or video (figure 21; and columns 37-42), the source is a compact disc or digital videodisc (figure 20; and column 35 lines 35-45), and the communications link is the Internet (figure 2E; column 16 lines 9-16; and column 16 line 51 to column 17 line 6).

9. As to claim 9, Dye et al teach the step of retrieving the digital content further comprises a step of streaming the digital content for replay to a remote location (figures 20 and 23; column 36 lines 43-58; and column 44 line 39 to column 45 line 16).

10. As to claim 10, Compton et al teach the step of retrieving the digital content further comprises a step of storing the retrieved digital content at the remote location (columns 3-5).

11. As to claim 11, Compton et al teach the step of managing the digital content database from the remote location (figures 1-3; and columns 4-6).

12. As to claims 12-31, they are also rejected for the same reasons set forth to rejecting claims 1-11 above. Additionally, Compton et al teach the step of identifying the source and validating the source's identity against an authorization database at the server (column 3 line 33 to column 4 line 42; and column 6 line 65 to column 7 line 43).

Response to Arguments

13. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

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Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

January 05, 2006


BHARAT BAROT
PRIMARY EXAMINER